Appendix IV.

[Vide item No. VI on page 318 supra.]

REPORT OF THE COMMITTEE OF PRIVILEGES ON THE QUESTION WHETHER A PUBLICATION IN THE "DINA THANTHI" CONSTITUTED A BREACH OF THE PRIVILEGES OF THE HOUSE.

To

The Honourable the LEGISLATIVE ASSEMBLY,
Madras.

I. Introduction and Procedure.

I, the Chairman of the Committee of Privileges, present this report to the House on the question of breach of privilege, namely, the publication [a] of the following headlines in the City Edition of the "Dina Thanthi", dated 30th October 1957 :—

"முத்துராமலிங்க தேவர் மீது கொலை வழக்கு !
'இமானுவேல்' கொலை பற்றி கோர்டில் வழக்கு வருகிறது !
மந்திரி சுப்பிரமணியம் அறிவிப்பு."

The question was raised by Sri K. Sattanatha Karayalar on the 1st November 1957 and it was referred to the Committee by a motion made and carried in the House on the 2nd November 1957.

2. The Committee held three sittings. At its first sitting on the 8th November 1957, a note [b] was circulated by the Secretary setting out the facts of the case and the law, practice and precedents on the subject. There was a preliminary discussion as to how far the publication of the headlines in question constituted a breach of privilege and the Committee decided to hear the Editor concerned.

3. At its second sitting on the 25th November 1957 the Chairman read out to the Committee a letter [a] received by him from the Editor expressing regret for the publication. The Committee also heard the Editor.

4. At its third sitting on the 6th January 1958, the Committee deliberated on the draft report and adopted it with certain modifications.

II. Facts of the Case.

On page 1 of the City Edition of the "Dina Thanthi", dated 30th October 1957, there appeared a full-page eight-column Leading with two smaller headlines below it which ran as follows :—

"முத்துராமலிங்க தேவர் மீது கொலை வழக்கு !
'இமானுவேல்' கொலை பற்றி கோர்டில் வழக்கு வருகிறது!
மந்திரி சுப்பிரமணியம் அறிவிப்பு."

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a Vide Annexure I on page 384 infra.
b Vide Annexure V on pages 386–390 infra.
c Vide Annexure II on page 385 infra.

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2. Sri K. Sattanatha Karayalar raised the matter in the House on 1st November 1957 and pointed out that there was *prima facie* a breach of privilege of the House. The Speaker postponed his ruling to the next day.

3. On 2nd November 1957, the following news item was published in the paper :—

"இமானுவேல் கொலை வழக்கு.

சென்னை, நவ. 2—ராமநாதபுரம் ஜில்லாவில் நடந்த கலவரத்தின் போது இமானுவேல் என்ற அரிஜன் (பள்ளர்) கொலை செய்யப்பட்டது பற்றி வழக்கு தாக்கல் செய்யப்படும் என்று மந்திரி சி. சுப்பிரமணியம் சட்ட சபையில் அறிவித்தார்.

எவரைப்பற்றியும் குறிப்பிட்டு இன்னார் மீது வழக்கு தொடரப்படும் என்று அவர் கூறவில்லை. மேற்படி வழக்கு கோர்ட்டுக்கு போவதால், இமானுவேல் கொலை செய்யப்பட்டது பற்றிய விவரங்களை சட்டசபையில் பேச வேண்டாம் என்று அவர் கேட்டுக் கொண்டார்."

The Speaker, after considering the above publication, ruled that a *prima facie* case of breach of privilege was made out. Sri K. Sattanatha Karayalar thereupon moved that the matter be referred to the Committee of Privileges. The motion was carried.

III. Findings of the Committee.

Under Article 194 (3) of the Constitution, the power, privileges and immunities of a House of the Legislature of a State and of the Members and the Committee of a House of such Legislature, shall be such as may, from time to time, be defined by the Legislature by law, and, until so defined, shall be those of the House of Commons of Parliament of the United Kingdom, and of its Members and Committees, at the commencement of the Constitution. The following instances of misconduct in connexion with the publication of debates have been treated in the House of Commons as breaches of privilege :—

(1) Publishing scandalous misrepresentations of what had passed in either House or what had been said in debate.

(2) Publishing gross or wilful misrepresentations of particular members' speeches.

(3) Publication of false or perverted reports of debates or proceedings of either House or Committees of either House.

The question before the Committee was mainly the effect the headline "முத்துராமலிங்க தேவர் மீது கொலை வழக்கு" was likely to have upon those who read it. The general sense of the Committee was that the matter before the Committee came under item (3) referred to above.

2. The Editor was examined by the Committee at its meeting on 25th November 1957. The circumstances in which the headlines were published are detailed in the letter from the News Editor which is appended[a] to this report. A sub-leader was published in the

[a] vide Annexure III on pages 385-386 infra.

" Dina Thanthi ", dated 25th November 1957, stating that the Editor had no intention of casting aspersion on any Minister or any Member. The Editor admitted that there was no connexion between the heading and the body of the news and that the heading was false. He also expressed his regret specifically for the publication of such a heading and assured the Committee that he would publish an apology expressing regret in the Madras, Tiruchirappalli and Madurai editions. An apology[a] had also appeared in the City

3. Taking these into consideration, the Committee is satisfied that the publication was false and constituted a breach of privilege of the House. The proceedings of the Legislature should be presented to the people through the Press. But, while presenting, the Press should publish a fair report. They should not publish any matter without proper verification.

The Committee, however, considers that the apology tendered is sufficient and recommends that no further action in the matter be taken.

FORT ST. GEORGE,
MADRAS-9,
6th January 1958.

K. RAMACHANDRAN,
Chairman.

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a Vide Annexure IV on page 386 infra.